

WASHINGTON COUNTY COMMISSION
MEETING MINUTES
MARCH 15, 2011

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman Dennis Drake at 4:00 p.m. on March 15, 2011, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Commission Chairman Dennis Drake, Commissioner James J. Eardley, Commissioner Alan D. Gardner, Washington County Administrator Dean J. Cox, Deputy County Attorney Rachelle Ehler, and Deputy County Clerk Christine Hall.

The Spectrum was represented by Brian Ahern at the meeting.

Commissioner Drake led the Pledge of Allegiance.

AGENDA

CONSENT AGENDA:

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the Regular Agenda.

- Consideration of Auditor-Approved Claims for Payment for March 2, 2011, through March 15, 2011
- Consideration of Approval of Regular Commission Meeting Minutes of February 15, 2011
- Consideration of Applications for Settlement or Deferral of Property Taxes:
3 Dimensional Properties, Inc., Serial No. V-2-1-21-221211; Graciela del Agula, Serial No. H-165-A-3-A; Jerry & Judy Averett, Serial No. H-SMMB-6; Albert Beacham, Serial No. 1-SB-41-B; Margilee Corona, Serial No. SG-RRMHE-2-2; Rosanna Eby, Serial No. SG-570; Shannon Gines, Serial No. H-GANV-A-25-C; Joseph & Anice Holt, Serial No. 7005-A-2-C-NC; Gary & Jerri Laub, Serial No. 7063-A-1-C-NC; Laree Orton, Serial No. 8207-N-2-NW; and Misty & Christopher Snuffer, Serial No. LV-66-A-5
- Consideration of Applications for Property Tax Abatement:
James Muir, Serial No. SG-PMTH-22; and Jacques & Violet Vernon, Serial No. LV-3-B
- Consideration of Administrative Adjustments: Real Property
- Consideration of Administrative Adjustments: Personal Property
- Consideration of Renewal of Agreement between Washington County Sheriff's Office, the City of Enterprise, the Enterprise High School, and Washington County for the Enterprise School Resource Officer for 2011

Actions of the Washington County Planning Commission Meeting / 03-08-11

Conditional Use Permit Extension: Review extension for a batch plant at Snowfield Rock Products, which is an existing gravel crushing operation north of Pintura. Tom Walborn/Granite Construction Co., applicant

The planner showed the site plan on a screen presentation and stated that the applicant previously submitted a packet for commission review which would allow the applicant to operate an asphalt plant operation at an existing gravel pit. This use was initially approved in July of 2007. These types of uses (mining and mineral development) are conditionally approved within the OST-20 Zone (10-6B-3 County Code), and asphalt plants are approved conditionally with the Industrial zone (10-12-3 County Code). Whereas this use is temporary in nature (five [5] year lease), the commission may want to consider this use as similar and in harmony with the character and intent of the zone. Access for haul trucks would be from the Snowfield (Ranch) Exit on I-15, with ingress and egress from an existing County or frontage road and a private easement. Sanitation and water needs for dust control were previously addressed. The commission addressed operating hours and the number of haul trucks. The applicant is in contact with MSHA and EPA on a portable asphalt plant that has been reviewed and monitored, with a letter of approval being submitted. There have been no complaints throughout the past year. *The Planning Commission voted unanimously for approval.*

Conditional Use Permit: Request permission for a bike ride Tour del Sol to be held on March 20, 2011. The route will loop from St. George, up Highway 18 to Veyo, then back via the road from Veyo to Gunlock and Highway 91 to the top of Utah Hill and back to St. George. Spin Geeks, LLC/Red Rock Bicycle, applicant.

The Planning Commission voted unanimously for approval.

Conditional Use Permit: Request permission to install water lines from the main source across SITLA for future growth and upgrade for development in Dammeron Valley. Dammeron Corporation/Brooks Pace, applicant, and Brown Engineering, agent.

The Planning Commission voted unanimously for approval.

MOTION: Motion by Commissioner Eardley to Approve the Consent Agenda, with the Exception of the Conditional Use Permit Request by Dammeron Corporation, Brooks Pace, and Brown Engineering, which is to be considered as part of the Regular Agenda. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

REGULAR AGENDA ITEMS FOR CONSIDERATION:

Conditional Use Permit: Request permission to install water lines from the main source across SITLA for future growth and upgrade for development in Dammeron Valley. Dammeron Corporation/Brooks Pace, applicant, and Brown Engineering, agent.

Public Works Director Ron Whitehead said that this is an extension of the water system in Dammeron Valley that is intended to balance out water service for the two (2) sides of the valley. The water line is being installed in such a configuration as to allow development to occur over it at a later date. Approval of this Conditional Use Permit does not constitute approval for any future development; the applicants have been told that they will have to observe all requirements and follow whatever guidelines are in place at that time. If this water line is not in the correct place according to County standards, they will have to move it. Commissioner Eardley said that his concern was that the County would not be committed to any specific route based on the granting of the Conditional Use Permit. Chairman Drake said the applicants need to understand that any costs associated with moving the water line would be at their expense. Mr. Whitehead said that a note was placed on the construction drawings to the effect that any water lines installed may have to be altered to comply with standards in effect at the time.

MOTION: Motion by Commissioner Eardley to Approve the Conditional Use Permit to Install Water Lines from the Main Source across SITLA for Future Growth and Upgrade for Development in Dammeron Valley, on the Conditions Stated Above. Motion Seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

EMERGENCY SERVICES REPORT: SHERIFF CORY PULSIPHER

Sheriff Pulsipher reported on changes that have been made at the Sheriff's Office. The Emergency Services Department, under the direction of Pete Kuhlmann, has moved to the supervision of the Sheriff's Office while physically remaining in the Administration Building. The Search and Rescue (SAR) Volunteer Team will now be under the direction of Mr. Kuhlmann in this building, assisted by Sgt. Aaron Thompson. Jeff Bailey, formerly in charge of SAR, has been moved to the Gang Task Force.

Since the last report there have been three (3) call outs: a medical assist on Bear Poppy Trail; a stranded climber in the Frog Hollow Climbing Area; and lost hikers in the Red Cliffs campground area. A total of thirty-nine (39) SAR members responded, with a total of one hundred and five (105) man hours donated.

PURCHASE REQUESTS: TREVOR COOMBS

Clerk/Auditor's Office, Incode software upgrade \$16,180.00

All purchases are budgeted, bonded, or paid for through grant funds.

MOTION: Motion by Commissioner Gardner to Approve the Above Purchase Request(s), as presented. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF PROCLAMATION: APRIL AS PARKINSON'S DISEASE AWARENESS MONTH AND APRIL 11TH AS WORLD PARKINSON'S AWARENESS DAY

Chairman Drake read the Proclamation in its entirety, a copy of which is available from the Office of the Washington County Commission.

MOTION: Motion by Commissioner Eardley to Proclaim April as Parkinson's Disease Awareness Month and April 11th as World Parkinson's Awareness Day in Washington County, Utah. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1544, A RESOLUTION TO APPROVE AND ADOPT AMENDMENT 2 TO COOPERATIVE AGREEMENT 68-8D43-11-08 BETWEEN THE UNITED STATES DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE (NRCS) AND WASHINGTON COUNTY

Mr. Whitehead said that this is an amendment to the standard agreement that adds certain sites to the original project in Rockville which were not included in that original agreement because the County could not obtain the required easements in time. This resolution also grants certain time extension for completing the work.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2011-1544, A Resolution To Approve And Adopt Amendment 2 To Cooperative Agreement 68-8D43-11-08 Between The United States Department Of Agriculture Natural Resources Conservation Service (NRCS) And Washington County. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1545, A RESOLUTION APPROVING PUBLIC DEFENDER AGREEMENT BETWEEN JAY WINWARD AND WASHINGTON COUNTY TO PROVIDE PUBLIC DEFENSE SERVICES FOR INDIGENT DEFENDANTS IN THE FIFTH JUDICIAL DISTRICT COURT FOR THE BALANCE OF 2011

The hiring of the public defenders by the County is required by the State, and this resolution is in compliance with that requirement.

MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2011-1545, A Resolution Approving Public Defender Agreement Between Jay Winward And Washington County To Provide Public Defense Services For Indigent Defendants In The Fifth Judicial District Court For The Balance Of 2011. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1546, A RESOLUTION APPOINTING A MEMBER TO THE ANGEL SPRINGS SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD

In response to the County's advertisement for applications to fill the vacancy on the Angel Springs Special Service District Administrative Control Board caused by the resignation of Reed Scow, two (2) applications were received: from Leon Petersen and Diane Burton.

MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2011-1546, A Resolution Appointing Leon J. Petersen To The Angel Springs Special Service District Administrative Control Board. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1547, A RESOLUTION APPROVING THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE STATE OF UTAH DEPARTMENT OF ADMINISTRATIVE SERVICES DIVISION OF FACILITIES CONSTRUCTION AND MANAGEMENT AND WASHINGTON COUNTY FOR THE WASHINGTON COUNTY JUSTICE CENTER

County Administrator Dean Cox explained that this agreement provides for the State of Utah Attorney General's Office to pay its pro-rated share of the cost of renting space in the new Justice Center building. Plus, there is a provision in the contract that allows the County to bill the State for up to four dollars and fifty cents (\$4.50) per square foot,

annually, for operations maintenance and energy costs. There is also a provision that, if the County can document that those costs exceed four dollars and fifty cents (\$4.50), we can bill the State for that difference. This protects the County against possible escalation of energy costs. These charges will help to repay the bond issued for the building costs.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2011-1547, A Resolution Approving The Execution Of A Lease Agreement Between The State Of Utah Department Of Administrative Services Division Of Facilities Construction And Management And Washington County For The Washington County Justice Center. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

COMMISSIONERS' REPORT: STATE OF UTAH, DIVISION OF WATER RESOURCES / SOUTH CREEK DAM AND BAKER RESERVOIR

Chairman Drake said that applications have been received by the State of Utah, Division of Water Resources, from Trees Ranch LLC for repairs to South Creek Dam in the amount of five hundred and sixty thousand dollars (\$560,000) and by Baker Reservoir Company to make repairs to Baker Reservoir in the amount of thirty thousand dollars (\$30,000). Project feasibility reports will be prepared by the Division of Water Resources and will be sent to the applicant along with instructions for receiving State money for engineering, construction, and other expenses related to the recent flooding in the Rockville and Springdale areas in December 2010.

Commissioner Gardner also reported that he and Commissioner Drake recently attended the National Association of Counties (NACo) Annual Conference in Washington, D.C. During the Public Lands meeting, four (4) states (Wyoming, Utah, Nevada, and Montana), as joint sponsors, presented a resolution to request the Department of the Interior to withdraw Executive Order 3310, issued by Secretary Salazar, on the wildlands issue. Another concern discussed was the proliferation of marijuana on the national forests, which is spreading across the whole western United States. And a meeting with Bob Abbey, Director of the BLM, produced hope for a positive resolution to the wildlands issue.

PUBLIC WORKS OR ROAD BUSINESS

Mr. Whitehead updated the Commission on ongoing projects:

- The National Resources Conservation Service (NRCS): the County is preparing to request bids on two (2) projects, one (1) to finish off the exigency money available for Springdale; and (2) to put in 7,000 feet of irrigation line to replace a

ditch that was damaged in the New Harmony area. The New Harmony Water Company has secured the required twenty-five-percent (25%) match.

- FEMA: the County has signed two (2) worksheets with estimates for funding repairs on Baker Dam Road, where areas eroded below the dam, and on 200 South in Central where the water lines underneath the road were damaged in the flood.
- Federal Highways: has submitted requests to us on Gunlock Road and Moody Wash Bridge. The Road Department has repaired those areas in a temporary state so that traffic may cross. The County is still submitting applications relating to Old Highway 91 over Utah Hill, hoping to receive appropriate funding from the federal government.

COUNTY DEVELOPMENT AND PLANNING BUSINESS

No items were presented today.

Request a Closed Session

None.

Chairman Drake acknowledged the good work of the Community Education Channel (CEC), which films the Commission meetings and other public meetings and reminded all citizens of VODDOV (Video on Demand, Demand on Video), available through the CEC, which allows audiences to preview various programs recorded by the CEC.

There being nothing further to come before the Commission, the meeting was adjourned at 4:28 p.m.

CHRISTINE S. HALL
DEPUTY CLERK

DENNIS DRAKE
CHAIRMAN